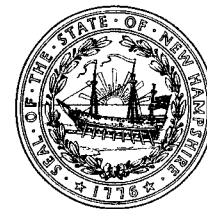




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

May 17, 2005

Town of Hanover
Board of Selectmen
Attn: Mr. Brian F. Walsh, Chairman
Town Office
P.O. Box 483, 41 South Main Street
Hanover, New Hampshire 03755

Subject: Administrative Order by Consent No. WD 05-07

Dear Mr. Walsh:

Enclosed for your records is a copy of the Administrative Order by Consent in this matter executed by Harry T. Stewart, P.E., Water Division Director, and Michael P. Nolin, Department of Environmental Services Commissioner. If you have any questions, please contact me 271-6637.

Sincerely,


COPY

Stergios K. Spanos, P.E.
Compliance Subsection, Wastewater Engineering Bureau

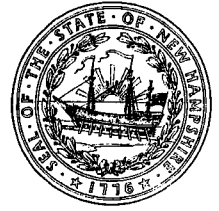
CERIFIED MAIL / RRR # 7099 3400 0003 6154 3918

cc: Gretchen R. Hamel, DES Legal Unit Administrator
James Martin, Public Information Officer, DES PIP Office
Jennifer J. Patterson, SR. Asst. Attorney General, NHDOJ/EPB
Joy Hilton, Compliance and Enforcement, USEPA
Board of Selectmen, Town of Hanover
Julia N. Griffin, Town Manager

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The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Town of Hanover
41 South Main Street/ P.O. Box 483
Hanover, NH 03755

Re: Hanover Wastewater Treatment Facility
NPDES Permit No. NH0100099

**ADMINISTRATIVE ORDER
BY CONSENT
No. WD 05-07**

A. INTRODUCTION

This Administrative Order by Consent is issued by the Department of Environmental Services, Water Division to, and with the consent of, the Town of Hanover, pursuant to RSA 485-A:22. This Administrative Order by Consent is effective upon signature by all parties.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.
2. The Town of Hanover ("Hanover") is a duly-constituted municipality of the State of New Hampshire having a mailing address of P.O. Box 483, Hanover, NH 03755.

C. STATEMENTS OF FACTS AND LAW

1. The Town owns and operates a wastewater treatment facility located at Pine Knoll Drive, Hanover, NH (hereinafter "the Facility").
2. Operation of the Facility is permitted under the terms of federal National Pollutant Discharge Elimination System ("NPDES") permit number NH0100099 issued by the United States Environmental Protection Agency ("EPA") to Hanover. The permit became effective on October 14, 1999 and became effective as a State discharge permit on October 29, 1999. Hereinafter the federal/state permit is referred to collectively as the "NPDES Permit".
3. The NPDES Permit, which expired on October 14, 2004, has been administratively extended by EPA and DES.
4. The NPDES Permit authorizes Hanover to discharge treated wastewater from the Facility to the Connecticut River, subject to specified effluent limitations, monitoring requirements, and other conditions.
5. At the time the Permit was issued, the Facility was not using chlorine to disinfect their effluent.

6. As of February 15, 2005, the Facility began using chlorine to disinfect their effluent.
7. A site visit by DES personnel revealed that the Facility discharges to an embayment on the Connecticut River and not to the main stem as identified in the Town's NPDES Permit and application.
8. The Town's existing NPDES Permit does not allow for discharge of chlorine or for the discharge of treated wastewater from the existing outfall.

D. DETERMINATION OF VIOLATIONS

1. The Town is in violation of RSA 485-A:13, I(a) by not holding a NPDES Permit that includes a limit for total residual chlorine (TRC) and allows discharge from the current outfall location.

E. ORDER

Based on the above findings and determinations, DES hereby orders the Town, and the Town agrees, to undertake and complete the following actions in accordance with the time schedules specified:

1. Immediately, collect daily effluent grab samples and analyze for TRC using an EPA approved method. Submit the results with the monthly Discharge Monitoring Report (DMR), along with designation of the maximum daily value for the month and the average monthly value. The TRC results must meet the interim limits specified in Part F. Interim Limits, item 1, below.
2. By May 1, 2005 submit an updated Application for an NPDES Permit (Form 2A) which addresses the current discharge location and method of disinfection.
3. By May 15, 2005 submit an implementation schedule with key activities and dates that need to be accomplished to complete the outfall extension and have it fully operational. The schedule, upon acceptance by DES and EPA, will be incorporated as part of this Order.
4. Unless specified otherwise above, send correspondence, data, reports, and other submissions made in connection with this Administrative Order by Consent to DES and EPA as follows:

Stergios K. Spanos, Wastewater Engineering Bureau
DES Water Division
P.O. Box 95
Concord, NH 03302-0095

Joy Hilton, Water Technical Unit
USEPA Region 1
1 Congress St., Suite 1100
Boston, MA 02114-2023

F. INTERIM LIMITS

1. The Town shall meet, the following interim discharge limits for TRC, in addition to the terms of the existing NPDES Permit, from the effective date of this Administrative Order by Consent until the outfall extension is complete and operational, or until the NPDES Permit is reissued:

1.0 mg/l maximum daily; and
1.0 mg/l average monthly.

G. CONSENT AND WAIVER OF APPEAL

1. By execution of this Administrative Order by Consent, the Town agrees that this Order shall apply to and be binding upon the Town, its officers, directors, successors and assigns, and agrees that this Order may be entered and enforced by a court of competent jurisdiction.

2. By execution of this Administrative Order by Consent, the Town waives any right to appeal this Administrative Order by Consent provided by statute, rule, or common law, including without limitation the right to appeal to the Water Council, and waives any right to object to the entry and enforcement of this order by a court of competent jurisdiction.

Town of Hanover

~~COPY~~
By: _____
Chairman, Board of Selectmen
Duly Authorized

Date

May 2, 2005

NH Department of Environmental Services

~~COPY~~
Harry T. Stewart, P.E., Director
Water Division

Date

5/16/05

~~COPY~~
Michael P. Nolin, Commissioner

Date

05 17 05

cc: Gretchen R. Hamel, Legal Unit Administrator
Public Information Officer, DES PIP Office
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
Hanover, Board of Selectmen
Joy Hilton, EPA